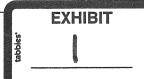
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 1
                  IN THE UNITED STATES DISTRICT COURT
 2
                  FOR THE WESTERN DISTRICT OF OKLAHOMA
     TROY D. GERMAN
          Plaintiff,
 5
     -vs-
                                       ) No. CIV-19-751-F
 6
     BILLY D. "RUSTY" RHOADES,
     individually; MICHAEL HARRELL,
     individually; BRIAN ORR,
     individually; and MEGAN SIMPSON,)
 8
     individually,
 9
          Defendants.
10
11
12
13
             DEPOSITION OF BILLY DON "RUSTY" RHOADES, III
14
                    TAKEN ON BEHALF OF THE PLAINTIFF
15
16
                       IN OKLAHOMA CITY, OKLAHOMA
17
                         ON SEPTEMBER 17, 2020
18
19
                       COMMENCING AT 9:38 A.M.
20
21
22
                           INSTASCRIPT, LLC.
                          125 PARK AVENUE, LL
23
                    OKLAHOMA CITY, OKLAHOMA 73102
                             (405) 605-6880
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          REPORTED BY: LORI JOHNSTON HARSTAD, CSR, RPR, RSA
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1	Q That's pretty specific, isn't it?
2	MR. GASKINS: Object to the form.
3	THE WITNESS: Are you saying trying to say
4	it's the same thing?
5	Q (By Mr. Bowers) Yes, sir.
6	A Yeah.
7	Q Yeah.
8	So as you sit here today, do you deny that
9	Chief Harrell and Brian Orr cheated on that promotional
10	exam?
11	MR. GASKINS: Object to form.
12	MR. YAFFE: Same objection.
13	THE WITNESS: Yes.
14	Q (By Mr. Bowers) Sir, how can you deny that when
15	you just looked at the transcript of Brian Orr providing
16	the getting the same four questions, almost exactly,
17	that were on the test from the Chief of the Patrol?
18	MR. GASKINS: Object to form.
19	MR. YAFFE: Same.
20	THE WITNESS: Because there was no cheating.
21	Q (By Mr. Bowers) So here's what I don't
22	understand, sir. Chief Harrell knew the questions. You
23	have told me that. Right?
24	A Yes.
25	Q Chief Harrell told Brian Orr what areas to

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1	study?
2	A Yes.
3	Q The areas that Chief Harrell told Brian Orr to
4	study were the exact four areas that he was then asked
5	about on the exam that same day. Right?
6	MR. GASKINS: Object to form.
7	THE WITNESS: Yes. I don't know what day, but
8	if you say the same day.
9	Q (By Mr. Bowers) Whenever the exam was, the very
10	questions that Chief Harrell provided to Lieutenant Orr
11	were on the exam?
12	MR. YAFFE: Object to the form.
13	MR. GASKINS: The same.
14	THE WITNESS: The Chief told him areas to
15	study.
16	Q (By Mr. Bowers) The specific areas that were on
17	the exam?
18	A Is that a question or a statement?
19	Q Yes, sir. It's a question.
20	A Yeah.
21	MR. YAFFE: Object to the form.
22	MR. GASKINS: Yeah. Same.
23	Q (By Mr. Bowers) How is that not cheating?
24	A There were no answers to the questions
25	involved. Throughout my entire career, when I was a young

trooper looking into being promoted, the Director of 1 2 Training in the Training Center would actually put on 3 classes and give guidance to the prospective candidates 4 prior to any testing on what to study, what to look into, 5 how to present things. Throughout the years, it's simply 6 been a process of mentoring people. 7 I have had people ask me, you know, "how do you 8 study, what do you study." Those things, those questions are basic. You would expect to see them on pretty much any 9 promotional board questionnaire. They're not unique. I 10 11 have seen those throughout my testing processes. So it's 12 not unusual for people to study together. It's not unusual 13 for others to just give guidance on areas to study. 14 Is it unusual for someone who knows what the Q questions on the promotional exam will be to reveal the 15 16 specific questions to a candidate? 17 Object to form. MR. GASKINS: 18 MR. YAFFE: Same. 19 THE WITNESS: In the context, it could or 20 couldn't be. 21 (By Mr. Bowers) You mentioned the Director of 22 Training putting on presentations. 23 Uh-huh. Α 24 Did the Director of Training who put on these 25 presentations that you participated in sit as a member on

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1
      to what I would say.
 2
                  (By Mr. Bowers) Why would you deny it, sir?
 3
             Α
                  Because he gave -- he told him areas to study.
 4
     That's my statement.
 5
                  And the four -- and he told him areas to study,
             Q
     and all of those areas of study were on the test?
 6
 7
             Α
                  Yes.
 8
                  The only areas of study he told him to look at
             0
 9
     were on the test?
10
            Α
                  Yes.
11
                  He didn't give him some other areas that
     weren't tested?
12
13
            Α
                  No.
14
            Q
                  He knew what the questions were?
15
            Α
                  Yes.
16
            0
                  You have talked about this cheating with many
17
     people since July of 2018. Is that fair?
18
            Α
                  What constitutes "many"? I -- I have to back
19
          I don't understand what you're asking me about
20
     cheating, talking about it.
21
                 The subject. I am not saying you need to admit
22
     that anybody cheated. I am just saying you have had
23
     conversations with many people over the course of time
     about this conversation between Harrell and Orr?
24
25
            Α
                 Not "many."
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1	Q You have talked to Megan Simpson about it?
2	MR. GASKINS: I am going to object on
3	attorney-client privilege of any conversations that he had
4	with Megan Simpson when they were both still employed by
5	the State.
6	MR. BOWERS: Well, let's start by the fact that
7	you agree with me right? that the fact that a
8	conversation occurred isn't privileged?
9	MR. GASKINS: Right.
10	MR. BOWERS: So that's my first question.
11	Q (By Mr. Bowers) Did you ever have a discussion
12	with Megan Simpson about Chief Orr and Brian Chief
13	Harrell and Brian Orr's conversation in the Tahoe?
14	A Yes.
15	Q Did you discuss that conversation with Chief
16	Harrell?
17	MR. YAFFE: Object to the form.
18	MR. GASKINS: Same.
19	MR. YAFFE: I don't know what conversation
20	you're talking about.
21	THE WITNESS: At some point, I am sure.
22	Q (By Mr. Bowers) Did you discuss that
23	conversation with Brian Orr?
24	MR. YAFFE: Same objection.
25	THE WITNESS: Again, at some point. Yes.